

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the application filed on November 24, 2003.
2. Claims 1-41 are currently pending and have been examined.

### *Claim Objections*

3. Claims 27, 34, 36 and 40 are objected to because of the following informalities: Claims 27, 36 and 40 do not end with a "period". Claim 34 contains the phrase "from a **fist** role to a second role." It is presumed that "fist" is a misspelling of the word "first". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 14 contains the phrase, "providing links between roles that **may** be a part of a career path". The use of the term, "may" is indefinite because it is unclear whether the limitations following the term are part of the claimed invention. Specifically, it is unclear whether the links are required to be a part of the career path, or whether the links are optional. Claim 14 also recites, "a second role based on **to** user input". It is unclear what the word "to" is meant to convey in terms of limitations to the claim.

7. Claim 15 is indefinite because it is unclear what the meaning of the term “binary links” is. The specification does not provide a basis to understand the term, it merely states, “The links can include binary links.” (pg. 2; lines 8-9). For purposes of examination, it will be understood that binary refers to computer code and “binary links” are hyperlinks.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 14-16, 18-23 and 35-39** are rejected under 35 U.S.C. 102(b) as being anticipated by Baumgarten et al. (US Pub. No. 2002/0026452, hereafter referred to as “Baumgarten”).
10. **Claims 14-16 and 18-23:** Baumgarten discloses a method for providing career advice through the use of a predictive model that generates intermediate career paths between a current and desired position. (P[0012]). Hypertext links allow a means of connecting to a job description. (P[0044]). Potential positions (i.e., roles in the career path) are displayed to the candidate. (P[0060]). The roles are displayed as a set when the personalized career path is outputted to the candidate. (P[0057]). A plurality of paths is produced as the user varies his/her input. (P[0057]). The candidate saves the results, (P[0063]), thus a path selection corresponds to user input. The system also indicates the probabilities of different steps along a path, how the career steps depend of which path is selected and the probabilities of reaching a career goal. (P[0061]: The use of probabilities inherently involves identifying a *typical progression of roles*). A job category (“Vice President”) and a job family (“Marketing”) used to obtain the second role are disclosed in Fig. 5, step 504. The “predictive model is trained with historical data about career paths from resumes, database records and other sources of career information.” (P[0059]). Thus, the links

between roles are inherently based on skill and competency measures, as these types of data are inherently present in resumes.

11. **Claims 35-39:** Baumgarten discloses candidate profiles (i.e., *backgrounds*) that can be searched to see if they match a job position (i.e., *role*). An e-mail is sent to any matching profiles. (P[0033]: The step of matching inherently comprises sorting the profiles based on roles in that the profiles that are matched have been sorted by role as a result of the matching process.) The matching profiles are sent to an employer. (P[0036]). A recruiter selects profiles that appear to be matched to a position and follows-up with interviews by videoconference. (P[0035]: employee is contacted and an *internet chat session* is established.)
12. **Claims 24-27, 29 and 32-34** are rejected under 35 U.S.C. 102(b) as being anticipated by Haq et al. (US Pat. No. 6,275,812, hereafter referred to as "Haq").
13. Haq discloses the "Intelligent System for Dynamic Resource Management (ISDRM)" that is used to "link specialties, job junctions, skill sets, and experience/training profiles" (C1; L40-48) and provides "systematic career guidance". (C2; L1).
14. **Claims 24-27, 29 and 32-34:** Haq discloses a list of specialties with clearly defined roles and responsibilities maintained as profiles in the ISDRM. (C3; L33-43). The employee selects a Target Career Template and achievement goals with respect to attaining skill levels ("SIA/SSIA" levels) by a certain time are set, thus generating a career path. The "system provides very clear guidelines (i.e., *rules*) to managers for specifying career goals for employees based on company requirements..." (C7; 46-57: These guidelines that are based on company requirements provide rules that are not violated.) Additionally, the Target Career Template becomes a guideline for planning assignments and training such that the manager can make "sure the employee is given assignments that will give him/her the required experience to attain the skills in the target career template." (C7; L64 - C8; L2: Thus, the rules include skill set data and competency measures.). Competency measures are further assessed when the employee skills are judged based on a

skill level. (C4; L26-39). The skills assessment form (used to evaluate employee proficiency) lists all the skills required for a specialty with weights assigned that indicate the relevant importance of each skill. (C4; L5-8). A manager can make changes in the skills template (C5; L66-C6; L4), thus, a user can input rules. An employee who wishes to be promoted from one job position to another is able to review a skill template to plan the training and experience needed for the promotion. (C5; L45-49).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1-13, 28 and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. (US Pat. No. 6,275,812, hereafter referred to as "Haq") in view of Baumgarten et al. (US Pub. No. 2002/0026452, hereafter referred to as "Baumgarten").
17. **Claims 1-13 and 41:** Haq discloses a list of specialties with clearly defined roles and responsibilities maintained as profiles in the ISDRM. (C3; L33-43). The ISDRM provides storage of information via a database. (C5; L16-17). An employee who wishes to be promoted from one job position to another is able to review a skill template to plan the training and experience needed for the promotion. (C5; L45-49). When used for career development, the ISDRM can inform employees of deficient skills and provide guidance as to how to achieve them. (C7; L39-43: This step inherently includes the comparison of qualification data). Through an employee's use of the "Target Career Template", where the employee selects an available role, a manager approves the template and can set achievement targets in terms of skills needed. (C7; L46-51). The Target Career Template becomes a guideline and allows for planned training. (C7; L63-66).

Haq also discloses that the invention is applicable to human resources management in a variety of companies (C3; L1-3), thus a human resources employee is a user.

18. Haq does not explicitly disclose that the roles can be sorted and selected according to qualification data, however, it is inherently present during the use of the ISDRM as a means for a project manager to fulfill a staffing requirement when he/she selects the template that best suits the task. (C7; L24-26).
19. Haq also does not explicitly state that the career path is saved, however, after the Target Career Template is selected by the employee and approved by the manager, it is used as an achievement target to assess skill development over time. Further, the employee is able to access the Target Career Template to calculate his/her progress. (C7; L46-54). It is therefore inherent that the Target Career Template (i.e., career path) is saved.
20. Haq does not disclose *automatically generating a career path that includes a set of intermediate roles or displaying job openings*.
21. Baumgarten, however, discloses a predictive system that relates to career path progression where a candidate enters a starting point and an ending point and the system provides a personalized career path. Additionally, the candidate can explore different career paths and determine the impacts of job choices (i.e., intermediate roles) on a career goal. (P[0057]). Baumgarten also discloses displaying positions "currently available on the recruiting web site". (P[0060]).
22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an automated career path generator with various jobs along the path and displaying job openings, as disclosed by Baumgarten in the system disclosed by Haq, for the motivation of providing a method of exploring different career paths and determining the impacts on the desired career goal and providing a means on-line recruiting. (Baumgarten; P[0057] and [0054]).

23. **Claim 28:** Haq discloses the method of claim 24. Haq does not disclose certifications, however, Baumgarten discloses using certifications is a profile for generating a career path. (P[0059]).
24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included certifications, as disclosed by Baumgarten, in the system of Haq for the motivation of using various forms of employment and educational information to construct of career path. (Baumgarten; P[0059]). Haq would be motivated to include certifications that would be attained as a result of newly attained skills.
25. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgarten et al. (US Pub. No. 2002/0026452, hereafter referred to as "Baumgarten").
26. **Claim 17:** Baumgarten discloses that the predictive system includes assessing a candidate at a specific career point to determine the speed of succession. (P[0058]). Because the system allows the candidate to vary input to generate various career paths, as well as report the probabilities associated with each step (P[0061-0062]), it is obvious that the path with the least number of roles can be determined. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included determining the shortest path for the motivation of increasing the probabilities of reaching a career goal. By minimizing the steps along the path, the probability of successfully reaching a role is increased.
27. **Claims 30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. (US Pat. No. 6,275,812, hereafter referred to as "Haq") in view of Cole ("What trends are shaping security's future?" Security Management. Arlington: Jul. 1998. Vol. 42, Iss. 7; pg. 150).
28. **Claims 30-31:** Haq discloses the method of claim 24. Haq does not disclose an accelerated career path with fewer intermediary roles than a typical path.

29. Cole, however, discloses entry-level staff on an accelerated career path are allowed several years of experience to be replaced by a requirement that the workers “evidence the necessary decision-making ability”. (pg. 1; para. 5).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an accelerated career path, as disclosed by Cole, in the system of Haq for the motivation of providing incentives to employees for becoming proficient in new skills. As employees become more competent and versatile, the organization benefits from increased productivity and effectiveness.
31. **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgarten et al. (US Pub. No. 2002/0026452, hereafter referred to as “Baumgarten”) in view of DiMarco (US Pub. No. 2003/0177027).
32. **Claim 40:** Baumgarten discloses the method of claim 35. Baumgarten does not disclose *allowing the employee to select whether their background information can be viewed by other users*.
33. DiMarco, however, discloses allowing a user to determine the level of sharing with other users of their “Career View” (a form of resume). (P[0106]).
34. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included privacy controls, as disclosed by DiMarco, in the system of Baumgarten for the motivation of allowing a candidate a means of controlling their degree of anonymity. (DiMarco; P[0106]). A candidate might wish to block a current employer from seeing his profile information because this would alert the employer that the candidate is seeking other employment.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (6:00- 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/G. M./  
Examiner, Art Unit 3629

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629